

**REMARKS****OVERVIEW**

Claims 1-20 are pending in this application. Claims 1, 6, 8, 13 and 15 have been amended. The present response is an earnest effort to place all claims in proper form for allowance.

**ISSUES REGARDING THE OATH/DECLARATION**

The Examiner has required the Applicant to provide a new oath or declaration in compliance with 37 C.F.R. § 1.67(a). The Examiner cites MPEP §§ 602.01 and 602.02 which states that residence information may be provided on an application data sheet. The Applicant respectfully points out to the Examiner that an application data sheet was provided with the originally filed patent application with residence information included and titled INFORMATION DATA SHEET. A copy of this INFORMATION DATA SHEET is attached to this Amendment. Applicant therefore requests that the requirement for a new oath or declaration be withdrawn.

**ISSUES REGARDING THE DRAWINGS**

The Examiner has also objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include the reference line "6-6" shown in Figure 2 as referenced on page 3, line 8. The Applicant is attaching a new formal Figure 2 with the reference line "6-6" shown. The Applicant now respectfully requests that the objection to the drawings be withdrawn.

**ISSUES REGARDING CLAIM INFORMALITIES**

The Examiner has required that claims 6 and 13 be corrected for informalities. The Applicant has amended claims 6 and 13 by adopting the Examiner's suggested corrections. The Applicant now respectfully requests that the objection to claims 6 and 13 be withdrawn.

**ISSUES UNDER 35 U.S.C. § 102**

Claims 1-4, 6-11 and 13-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,752,322 to Fiocca. Applicant respectfully traverses. Claim 1 requires "spaced apart pairs of tines adapted to receive plates therebetween". Fiocca does not disclose this limitation. The Examiner indicates that this limitation would be met by first and second horizontal legs 37 extending along the bottom; however, the first and second horizontal legs 37 in Fiocca are not adapted to receive plates therebetween as required in claim 1, due to the raised horizontal wire members 39 on one set of tines.

Claim 1 also requires that the tines have lower ends in a common horizontal plane so that plates can be received between the tines. In comparison, the lower ends of Fiocca lie in an inclined plane.

In addition, claim 1 is distinguished from Fiocca as it requires "a clip member associated with the tines to permit selected folding of each pair of the tines to one or more positions between the upright and lower positions." The clip member 45 of Fiocca is only placed in relation to one longitudinally extending wire member 37 as opposed to both spaced apart pairs of tines in Applicant's present invention. Furthermore, the second longitudinally extending wire member is moveable only between an upper and lower position without one or more intermediate positions, as required by claim 1. Therefore, claim 1 sets forth unique structure, such that this

rejection to claim 1 should be withdrawn. As claims 2-7 depend from claim 1, they are also allowable.

The Examiner has rejected independent claim 8 under 35 U.S.C. § 102(b). Claim 8 has been amended to require the limitation the tines extend "in a non-perpendicular angled orientation and being free from obstruction between upper and lower ends of each tine so as to angle plates to fit within a reduced height washing compartment". Fiocca does not disclose this limitation. Rather, Fiocca is adapted to hold lightweight articles against the sidewall of a rack by moving pins 38 to contact the lightweight article. Furthermore, Fiocca teaches away from a structure suitable to "angle plates so as to fit within a reduced height washing compartment" as Fiocca places first wire member 37 higher than second wire member 37 creating an awkward support for plates between them when trying to fit plates within a reduced height washing compartment (see FIG. 3 of Fiocca). Finally, Fiocca discloses using longitudinal wire members 39 (see column 2, line 68) to rigidly connect the pins 38. These wire members 39 further teach away from the use of placing plates between the first and second longitudinally extending wire members 37 as these would further limit the size plate that could fit within a reduced height washing compartment. Thus, the rejection should be withdrawn as to claim 8. As claims 9-14 depend from claim 8, these rejections should also be withdrawn.

The Examiner has also rejected independent claim 15 under 35 U.S.C. § 102(b). Claim 15 has been amended to require the first and second sets of tines "being spaced apart and rewardly angled and being free from obstruction between upper and lower tine ends to angle tall objects so as to fit within a reduced height washing compartment". As previously mentioned with regard to claims 1 and 8, Fiocca does not teach placing objects between the first and second sets of tines. The wires 39 between the upper and lower end of pins 38 on member 36 preclude

object from extending between the tines of members 34 and 36. Instead, Piocca teaches placing an object between one set of tines and a sidewall of the rack. Therefore, Applicant requests this rejection to claim 15 be withdrawn. As claims 16-20 depend from claim 15, Applicant also requests these rejections be withdrawn. Claim 21 has been cancelled.

### CONCLUSION

Based upon the foregoing, the Applicant respectfully submits that all pending claims are in condition for immediate allowance.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



Vincent S. Ego, Reg. No. 51,131  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
CUSTOMER NO: 27139

Attorneys of Record

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**Information Data Sheet**

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**Inventor Information**

Inventor One Given Name::	Wayne M.
Family Name::	VanLandingham
Postal Address Line One::	26 Millbrook Lane
City::	Jackson
State or Province::	Tennessee
Postal or Zip Code::	38305
Citizenship Country::	U.S.A.

**Correspondence Information**

Correspondence Customer Number::	27139
Electronic Mail One::	patatty@zarley.com
Electronic Mail Two::	hartung@zarley.com

**Application Information**

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**Representative Information**

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